

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of

BLASCO et al

Serial No. 10/589,876

Filed: March 3, 2005 as PCT international application

For: 5,6-Dialkyl-7-aminotriazolopyrimidines, method for their production, their use for controlling pathogenic fungi, and agents containing said compounds

DECLARATION

I, Egon Haden, Dr. agr., a citizen of the Federal Republic of Germany and residing at Bayernstraße 55, 67061 Ludwigshafen, Germany, hereby declare as follows:

I am fully trained agricultural engineer, having studied agricultural science at the Technical University of Stuttgart - Hohenheim, Germany, from 1975 to 1980;

From 1980 to 1985 I furthered my studies at the Institute of Plant Disease of the University of Hohenheim, and I was awarded my doctor's degree by the said university in 1985;

I joined BASF Aktiengesellschaft (now BASF SE) of 67056 Ludwigshafen, Germany, in 1984, and have since been working in the field of the characterization and screening of fungicidal substances, and am therefore fully conversant with the technical field to which the invention disclosed and claimed in application Serial No. 10/589,876 belongs.

The tests were carried out under my supervision in accordance with the instructions given in the specification of Appln. Ser. No. 10/589,876 or as described below.

Comparative trials for US 10/589,876 vs. EP-A 141 317 (US 4,617,303 = D1)

Greenhouse

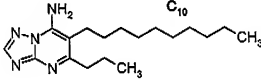
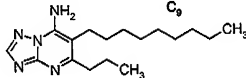
The spray solutions were prepared in several steps:

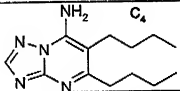
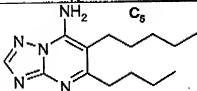
The stock solution was prepared: a mixture of acetone and/or dimethylsulfoxide and the wetting agent/emulsifier Wettol, which is based on ethoxylated alkylphenoles, in a relation (volume) solvent-emulsifier of 99 to 1 was added to 25 mg of the compound to give a total of 10 ml. Water was then added to total volume of 100 ml.

This stock solution was diluted with the described solvent-emulsifier-water mixture to the given concentration.

Example 1 - Fungicidal control of grape downy mildew caused by *Plasmopara viticola*

Grape cuttings were grown in pots to the 4 to 5 leaf stage. These plants were sprayed to run-off with an aqueous suspension, containing the concentration of active ingredient or their mixture mentioned in the table below. The plants were allowed to air-dry. The next day they were inoculated with an aqueous spore suspension of *Plasmopara viticola* by spraying it at the lower leaf-side. Then the trial plants were immediately transferred for 24 h to a humid chamber with 22 - 24° C and a relative humidity close to 100 %. For a period of 5 days, cultivation followed in a greenhouse at 20 - 25° C and a relative humidity about 50-80 %. To stimulate the outbreak of the disease symptoms, the plants were transferred to a humid chamber again for 24 hours. Then the extent of fungal attack on the lower leaf surface was visually assessed as % diseased leaf area.

Compound	Structure	Application rate [ppm]	Disease %
# 21 according to D1		250	15
Tab. 1; # A-47 according to the present invention		250	0

Compound	Structure	Application rate [ppm]	Disease %
# 16 according to D1		250	10
Tab. 2; # A-1 according to the present invention		250	3

These unexpected tests results show that in all cases the efficacy of the compound according to the current invention is significantly higher than the efficacy of structurally closely related compounds according to the prior art document US 4,617,303 (Eicken et al.). In addition, unexpectedly these structural changes broadened the spectrum of activity against beyond species from the class of Phycomycetes (such as *Plasmopara viticola*) belonging to the evolutionary division of Zygomycota to all other relevant fungal pathogens (such as *Septoria* spp., *Botrytis* spp., *Phakopsora* spp. and *Pyrenophora* spp. tested herein) which belong to the sub-kingdom Dikarya which may also be called "Higher Fungi", including the major phyla Ascomycetes and Basidiomycetes.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at 67056 Ludwigshafen, Germany, this ²⁵ day of June, 2010.


Signature of Declarant